To the Right Honourable Sir *Patient Ward* Knight, Lord Mayor of the City of *London*: And to all and every the Honourable the Judges of either Bench, Barons of the *Exchequer*, Commiſſioners of *Oyer* and *Terminer* and Gaol-Delivery for this Seſſions held for the City of *London* and County of *Middleſex*.

The Humble Petition of Edward Whitaker *Gent. Priſoner in the* Tower *of* London,

Moſt humbly ſheweth,

THat your Petitioner having lain under a Cloſe Impriſonment, in the ſaid *Tower*, for about the ſpace of Four months, by vertue of a Warrant of Commitment for High-Treaſon, under the Hand and Seal of Sir *Leoline Jenkins* Knight, one of His Majeſties Juſtices of the Peace for the County of *Middleſex*, as by the Copy of Commitment appears; who by colour of his being Secretary of State, committed your Petitioner (though but a mean Commoner) to the ſaid *Tower*, not only againſt the Common Law of this Land, but alſo againſt the Statute made in the Fifth year of *Henry* the Fourth, which provides, That no Juſtice of Peace ſhall commit any Perſon but to the Common Gaol; nor is there any Proviſion in that Statute, that a Secretary ſhall have power to commit to an unlawful Gaol, more than other Juſtices of Peace.

That by Law there is no Priſon of State in *England* for Commoners, nor was the *Tower* of *London* ever made uſe of as a Priſon of State, but by Parliament, and the King and Council, for great Perſonages, out of reſpect to their Quality. Your Petitioner lying under this Oppreſſion, petitioned this Court laſt Seſſions to be Tried or Bailed, according to the Statute of the 31 of this King; and then prayed your Honours who were of the Degree of the Coif to grant your Petitioner a *Habeas Corpus* upon the ſaid Statute, to bring your Petitioner before your Honours, in order to ſuch Ends: He believing then (as ſtill he doth) that ſuch Writ could not be denied him, without the Forfeiture mentioned in the ſaid laſt-recited Act; which Act was never intended to be defeated or evaded by any Tower or Fort in *England*. For that your Petitioner well knows, that a Commiſſion of *Oyer* and *Terminer* being in Execution in any City or County, the Commiſſioners that act therein have power to bring any Perſon before them, from any Priſon whatever within the ſaid City or County, to be tried or acquitted by the Courſe

Course of Common Law; much more since the making of the said Statute for securing the Liberty of the Subject, which was so intended, and not that the said *Tower*, which is in *London* and *Middlesex*, should debar any Person from having the Liberty of a Subject, contrary to the known Law of the Land.

That your Petitioner being an innocent Person, and a free born Subject of *England*, cannot but expect the full Benefit of the Law, as his just due; and is well assured, that if an Indictment was found against him at this or any other Sessions, the Writs of *Habeas Corpus ad deliberandum & recipiendum* would certainly be of power enough to bring your Petitioner to that Court to be Tried, without any Scruple in Law, as also any other *Habeas Corpus* upon the said Statute. And your Petitioner conceives there is the same Justice in granting your Petitioner such VVrits, to discharge him, if nothing be against him after so long Imprisonment, as to bring him to be Tried and Condemned.

That your Petitioner conceives the Laws of the Land are the only Bulwarks which preserve the Nation, and every individual Commoner (in their just Rights) from Violence: The Kings of *England* being sworn to maintain the Laws; and such of your Honours as are Judges are sworn to administer Justice indifferently between the King and His Subjects, and not delay or deny Justice to any Person. Upon these Considerations, your Petitioner not being the last Sessions, according to his Petition, Tried or Bailed, as was then prayed, and your Honours not granting him his *Habeas Corpus*, as desired, according to the said Statute of this King;

Your Petitioner therefore now most humbly prays your Honours (as his Right by Law) to be discharged from his Imprisonment this Sessions: And that your Honours will grant your Petitioner an Habeas Corpus *to the Constable or Lieutenant of the* Tower, *to bring your Petitioner and set him before your Honours, in order to be discharged from his Imprisonment according to Law.*

And your Petitioner shall ever pray, &c,

Edward Whitaker.

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